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HOUSE BILL 590

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GARY K. KING

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AN ACT

RELATING TO OPEN MEETINGS: REVISING ENFORCEMENT PROVISIONS OF THE OPEN MEETINGS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 10-15-3 NMSA 1978 (being Laws 1974, Section 1. Chapter 91, Section 3, as amended) is amended to read:

"10-15-3. INVALID ACTIONS -- STANDING. --

A. No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978.

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- B. All provisions of the Open Meetings Act shall be enforced by the attorney general or by the district attorney in the county of jurisdiction. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts, provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it.

 A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.
- C. The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award damages, costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in [that] a legal action brought under this section is a public body defendant, it shall be awarded court costs.
- D. No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings."

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State of New Mexico House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 19, 1997

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 590

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

- 1. On page 2, line 15, after "award" strike "damages,".
- 2. On page 2, line 20, after the period insert:

"A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.".

FORTY-THIRD LEGISLATURE FIRST SESSION, 1997

НJС	/НВ 590		Page 4
1			
2			Respectfully submitted,
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5			
6			Thomas P. Foy, Chairman
7			inomas i. Poy, Chairman
8			
9	Adopted _		Not Adopted
10			
11		(Chi ef Cl erk)	(Chi ef Clerk)
12		_	
13		Dat	ce
14	The roll	call vote was 9 Fo	on A Against
15	rne 1011 Yes:	9	or <u>o</u> Agartist
16		Alwin, Luna, Mall	lory. Rios
17	Absent:	None	101, 11100
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FORTY-THIRD LEGISLATURE FIRST SESSION, 1997

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5	FORTY- THIRD LEGISLATURE
6	FIRST SESSION, 1997
7	
8	March 16, 1997
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10	Mr. President:
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12	Your PUBLIC AFFAIRS COMMITTEE , to whom has been
13	referred
14	INICE DILL 500 on amount d
15	HOUSE BILL 590, as anended
16	has had it under consideration and reports same with
17	recommendation that it DO PASS , and thence referred to the
18	JUDICIARY COMMITTEE.
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20	Respectfully submitted,
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25	Shannon Robinson, Chairnan
	AdoptedNot Adopted

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FORTY-THIRD LEGISLATURE FIRST SESSION, 1997

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3		(Chief Clerk)	(Chief Clerk)		
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6		Date			
7					
8	The roll	call vote was <u>5</u> For <u>0</u> Against			
9	Yes:	5			
10	No:	0			
11	Excused:	Boitano, Garcia, Ingle, Rodarte			
12	Absent:	None			
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FORTY-THIRD LEGISLATURE FIRST SESSION, 1997

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6	FIRST SES	SSION, 1997	
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8		Manah 21 1007	
9		March 21, 1997	
	Mr. President:		
11	a. Trestuene.		
12	Your JUDICIARY COMMITT	EE , to whom has been referred	
13	HOUSE BILL 590, as amended		
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	has had it under consideration a	nd reports same with	
16	recommendation that it DO PASS	•	
17			
18		Respectfully submitted,	
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22		Formando D. Maios, Chairman	
23		Fernando R. Macias, Chairman	
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	Adopted	Not Adopted	
	(Chi ef Clerk)	(Chi ef Cl erk)	

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HJQ/HB 590 Date _____ The roll call vote was 6 For 2 Against Yes: Sanchez, Tsosi e No: Excused: None Absent: None H0590JU1